

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WILLIAM DAVIDSON HAMBY, JR.,)	
)	
Plaintiff)	
)	No. 3:12-1296
v.)	Judge Sharp/Bryant
)	
BETH GENTRY; DARON HALL,)	
)	
Defendants)	

TO: THE HONORABLE KEVIN H. SHARP

REPORT AND RECOMMENDATION

Plaintiff Hamby, a prisoner proceeding *pro se* and *in forma pauperis*, has filed his motion for summary judgment (Docket Entry No. 49). Defendants have filed a response in opposition (Docket Entry No. 54).

For the reasons stated below, the undersigned Magistrate Judge recommends that Plaintiff's motion for summary judgment be DENIED.

Rule 56 of the Federal Rules of Civil Procedure, which governs motions for summary judgment, provides that the Court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material facts and that the movant is entitled to judgment as a matter of law. Local Rule 56.01 requires that any motion for summary judgment filed in this district shall be accompanied by a separate concise statement of facts as to which the moving party contends there is no genuine issue for trial. The rule requires that each such fact shall be set forth in a separate, numbered paragraph and shall be supported by a specific citation to the record. In addition, Local Rule 7.01 requires that every motion that may require the resolution of an issue of law be accompanied by a supporting memorandum of law.

Plaintiff Hamby has failed to file with his motion the required concise statement of undisputed facts and the supporting memorandum of law. In addition, his motion fails to demonstrate that there is no genuine dispute as to any material fact, or that he is entitled to judgment as a matter of law.

For all of the foregoing reasons, the undersigned Magistrate Judge finds that Plaintiff Hamby's motion for summary judgment (Docket Entry No. 49) should be DENIED.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Plaintiff Hamby's motion for summary judgment be DENIED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 26th day of August, 2014.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge